

32 "Severer" means any person in this Commonwealth who fells, cuts or otherwise separates
33 timber or any other such forest product from the soil.

34 § 58.1-1602. Levy of tax for forest conservation.

35 A. To provide further for the conservation of the natural resources of the Commonwealth by
36 the protection and development of forest resources and reforestation of forest lands, there is
37 hereby levied, in addition to all other taxes imposed, a forest products tax on all forest products.
38 The tax shall be paid once, and only once, on any forest product. Unless the tax has previously
39 been paid by a severer, the tax shall be paid by every person engaged in this Commonwealth in
40 business as a manufacturer or shipper of forest products for sale, profit, or commercial use the
41 first manufacturer using, consuming, processing, or storing forest products. No manufacturer
42 shall be liable for the tax if he has received proper documentation from a severer that the tax has
43 been paid as provided in subsection B. A severer who sells or delivers forest products to any
44 person who is not a manufacturer registered for the tax shall be liable for the tax. A signed
45 agreement between the severer and a manufacturer stating that the manufacturer is registered and
46 liable for the tax on any forest products sold or delivered to the manufacturer shall relieve the
47 severer of liability for the tax on such forest products.

48 B. Each manufacturer purchasing or receiving forest products upon which the tax imposed by
49 this chapter has been paid must obtain written documentation, such as a signed agreement, bill of
50 sale, or invoice from the severer showing his (i) name, address, and Virginia Forest Products Tax
51 registration number, (ii) the date of sale, (iii) a description of the products, and (iv) a statement
52 that the Virginia Forest Products Tax has been paid.

53 C. Any out-of-state manufacturer may register to pay the forest products tax and shall be
54 liable for the tax until, upon his request or otherwise, his registration is terminated by the
55 Department.

56 § 58.1-1604. Tax rates.

57 The tax hereby imposed shall be assessed at the following rates:

58 1. On pine lumber in its various sizes and forms, including railroad switch ties, bridge timber,
59 and dimension stock, the rate per 1000 board feet measure shall be \$1.15; or at the election of the
60 taxpayer, 20 cent(s) per ton of logs received.

61 2. On hardwood, cypress and all other species of lumber the rate per 1000 board feet measure
62 shall be 22 1/2 cent(s); or at the election of the taxpayer, 4 cent(s) per ton of logs received.

63 3. On timber sold as logs and not converted into lumber or other products in the
64 Commonwealth, the rate per 1000 feet log scale, International 1/4" Kerf Rule, shall be \$1.15 on
65 pine; and 22 1/2 cent(s) on other species; or at the election of the taxpayer, 20 cent(s) per ton of
66 pine logs received; and 4 cent(s) per ton of logs of other species received.

67 4. On logs to be converted into veneer the rate per 1000 board feet log scale, International
68 1/4" Kerf Rule, shall be \$1.15 for pine and 22 1/2 cent(s) for other species; or at the election of
69 the taxpayer, 20 cent(s) per ton of pine logs received; and 4 cent(s) per ton of logs of other
70 species received.

71 5. On pulpwood, excelsior wood, chemical wood, bolts or billets, fuel wood, tanbark, and
72 other products customarily sold by the cord, the rate per standard cord of 128 cubic feet shall be
73 47 1/2 cent(s) for pine, 11 1/4 cent(s) per cord on all other species; or at the election of the
74 taxpayer, 20 cent(s) per ton of pine logs received; and 4 cent(s) per ton of logs of other species
75 received.

76 6. On chips manufactured from roundwood and customarily sold by the pound, the rate per
77 100 pounds shall be 0.986 cent(s) for pine, ~~and 0.234 cent(s) for other species, and XXX cent(s)~~
78 for loads consisting of both pine and other species. On chips sold to a manufacturer for fuel to
79 be used or consumed by the manufacturer, the rate per 100 pounds shall be XXX cent(s).

80 7. On railroad crossties the rate per piece shall be 3 8/10 cent(s) on pine, and one cent on all
81 other species; or at the election of the taxpayer, 20 cent(s) per ton of pine logs received; and 4
82 cent(s) per ton of logs of other species received.

83 8. On posts, mine ties, mine props, round mine collars, and other types of timber used in
84 connection with mining and ordinarily sold by the piece, the rate per 100 pieces shall be as
85 follows: 38 cent(s) for pine, and 9 cent(s) for other species, where each piece is 4' or less in
86 length; 61 3/4 cent(s) for pine and 14 1/4 cent(s) for other species, where each piece is more than
87 4' but not over 8' in length; and 76 cent(s) for pine and 18 cent(s) for other species, where each
88 piece is more than 8' in length. If the taxpayer so elects, he may pay the taxes due on the above
89 forest products at the rate of \$1.045 for pine and 24 3/4 cent(s) for other species, per 1000 lineal

90 feet; or at the election of the taxpayer, 20 cent(s) per ton of pine logs received; and 4 cent(s) per
91 ton of logs of other species received.

92 9. On piling and poles of all types the rate shall equal 2.31 percent of invoice value f.o.b.
93 loading out point; or at the election of the taxpayer, 20 cent(s) per ton of pine logs received; and
94 4 cent(s) per ton of logs of other species received.

95 10. On keg staves the rate per standard 400-inch bundle shall be $3 \frac{8}{10}$ cent(s) for pine and 1
96 $\frac{1}{2}$ cent(s) for other species; the rate per 100 keg heads shall be $11 \frac{5}{10}$ cent(s) on pine and $4 \frac{1}{2}$
97 cent(s) for other species; and on tight cooperage, $4 \frac{1}{2}$ cent(s) per 100 staves and 9 cent(s) per
98 100 heads; or at the election of the taxpayer, 20 cent(s) per ton of pine logs received; and 4
99 cent(s) per ton of logs of other species received.

100 11. On any other type of forest product not herein enumerated, severed or separated from the
101 soil, the Commissioner shall determine a fair unit tax rate, based on the cubic foot wood volume
102 relationship between the product and the cubic foot volume of 1000 feet board measure of pine
103 when the product is pine, or on the unit rate of cedar or hardwood lumber when the product is a
104 species other than pine.

105 § 58.1-1605. Alternative for rates.

106 On or before November 1, in the last year of each biennium, the State Forester shall submit
107 to the Governor a report of the total revenues collected from the forest products tax for the
108 immediately preceding two years. If the General Assembly fails to appropriate for such next
109 biennium from the general fund for the reforestation of timberland activity a sum which equals
110 or exceeds such revenues, the tax hereby imposed shall, beginning on July 1 of such next
111 biennium, be at the rates set forth below. Such rates shall remain in effect until an appropriation
112 from the general fund for any biennium equals or exceeds the revenues actually collected from
113 this tax for the immediately preceding biennium at the rates imposed by § 58.1-1604.

114 1. On pine lumber in its various sizes and forms, including railroad switch ties, bridge timber,
115 and dimension stock the rate per 1000 board feet measure shall be 15 cent(s); or at the election of
116 the taxpayer, $2 \frac{6}{10}$ cent(s) per ton of pine logs received.

117 2. On hardwood, cypress, and all other species of lumber the rate per 1000 board feet
118 measure shall be 22 1/2 cent(s); or at the election of the taxpayer, 4 cent(s) per ton of logs
119 received.

120 3. On timber sold as logs and not converted into lumber or other products in this
121 Commonwealth, the rate per 1000 log feet scale, International 1/4" Kerf Rule, shall be 15 cent(s)
122 on pine and 22 1/2 cent(s) on other species; or at the election of the taxpayer, 2 6/10 cent(s) per
123 ton of pine logs received; and 4 cent(s) per ton of logs of other species received.

124 4. On logs to be converted into veneer the rate per 1000 board feet log scale, International
125 1/4" Kerf Rule, shall be 15 cent(s) for pine, and 22 1/2 cent(s) for other species; or at the election
126 of the taxpayer, 2 6/10 cent(s) per ton of pine logs received; and 4 cent(s) per ton of logs of other
127 species received.

128 5. On pulpwood, excelsior wood, chemical wood, bolts or billets, fuel wood, tanbark, and
129 other products customarily sold by the cord, the rate per standard cord of 128 cubic feet shall be
130 7 1/2 cent(s) for pine and 11 1/4 cent(s) per cord on all other species; or at the election of the
131 taxpayer, 2 6/10 cent(s) per ton of pine logs received; and 4 cent(s) per ton of logs of other
132 species received.

133 6. On chips manufactured from roundwood and customarily sold by the pound, the rate per
134 100 pounds shall be 0.156 cent(s) for pine, ~~and 0.234 cent(s) for other species, and XXX cent(s)~~
135 for loads consisting of both pine and other species. On chips sold to a manufacturer for fuel to
136 be used or consumed by the manufacturer, the rate per 100 pounds shall be XXX cent(s).

137 7. On railroad crossties, the rate shall be one-half cent per piece on species of pine and one
138 cent per piece on all other species; or at the election of the taxpayer, 2 6/10 cent(s) per ton of
139 pine logs received; and 4 cent(s) per ton of logs of other species received.

140 8. On posts, mine ties, mine props, round mine collars, and other types of timber used in
141 connection with mining and ordinarily sold by the piece, the rate per 100 pieces shall be as
142 follows: 6 cent(s) for pine and 9 cent(s) for other species, where each piece is 4' or less in length;
143 9 3/4 cent(s) for pine and 14 1/4 cent(s) for other species, where each piece is more than 4' in
144 length but not over 8' in length; and 12 cent(s) for pine and 18 cent(s) for other species, where
145 each piece is more than 8' in length. If the taxpayer so elects, he may pay the taxes due on the

146 abovementioned forest products at the rate of 16 1/2 cent(s) per 1000 lineal feet for pine and 24
147 3/4 cent(s) for other species; or at the election of the taxpayer, 2 6/10 cent(s) per ton of pine logs
148 received; and 4 cent(s) per ton of logs of other species received.

149 9. On piling and poles of all types the rate shall equal two-sevenths of one percent of invoice
150 value f.o.b. loading out point; or at the election of the taxpayer, 2 6/10 cent(s) per ton of pine
151 logs received; and 4 cent(s) per ton of logs of other species received.

152 10. On keg staves the rate per standard 400-inch bundle shall be 1 1/2 cent(s); the rate per
153 100 keg heads shall be 4 1/2 cent(s); and on tight cooperage, 4 1/2 cent(s) per 100 staves and 9
154 cent(s) per 100 heads; or at the election of the taxpayer, 2 6/10 cent(s) per ton of pine logs
155 received; and 4 cent(s) per ton of logs of other species received.

156 11. On any other type of forest product not herein enumerated, severed or separated from the
157 soil the Commissioner shall determine a fair unit tax rate, based on the cubic foot wood volume
158 relationship between the product and the cubic foot volume of 1000 board feet measure of pine
159 lumber when the product is pine or on the unit rate of hardwood lumber when the product is a
160 species other than pine.

161 § 58.1-1612. Returns to be filed by manufacturer; time of payment of tax.

162 Every manufacturer or severer liable for the forest products tax, within thirty days after the
163 expiration of each quarter, expiring respectively on the last day of March, June, September, and
164 December of each year, shall file with the Department a return on forms prescribed by the
165 Department showing:

- 166 1. The kinds and gross quantity of forest products ~~manufactured~~ severed, used, consumed,
167 processed or stored during the preceding quarter upon which they are liable for the tax;
- 168 2. The county or counties in which such products were severed from the soil;
- 169 3. The gross quantity of forest products severed from soil outside this Commonwealth; and
- 170 4. Other reasonable and necessary information pertaining thereto as the Department may
171 require for the proper enforcement of the provisions of this chapter.

172 At the time of rendering such quarterly returns, the manufacturer or severer liable for the tax
173 shall pay to the Department the forest products tax ~~imposed by this chapter, with respect to~~ on all
174 forest products severed from the soil in this Commonwealth and embraced in such return.

175 § 58.1-1617. Records to be kept.

176 It shall be the duty of every manufacturer or severer in this Commonwealth ~~and of every~~
177 ~~shipper who shall ship forest products out of this Commonwealth in an unmanufactured~~
178 ~~condition,~~ to keep and preserve records and other such books or accounts as may be necessary to
179 determine the amount of tax for which he is liable, under the provisions of this chapter. Such
180 records shall be organized so that the forest products handled are grouped into classifications
181 which conform to the various tax rates levied by this chapter. Such records and books shall be
182 kept and preserved for a period of three years, and shall be open for examination at any time by
183 the Department or its duly authorized agents.

184 **2. That §§ 58.1-1613, 58.1-1614, and 58.1-1622 of the Code of Virginia are repealed.**

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